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Lake, Louis

From: Mensah, Tanya *NRR*
Sent: Tuesday, January 26, 2010 2:08 PM
To: Saba, Farideh; Blount, Tom; Rosenberg, Stacey; Farzam, Farhad; Thomas, George; Lake, Louis; Sykes, Marvin; Franke, Mark; Clark, Michael; Rezai, Ali
Cc: Khanna, Meena; Boyce, Tom (NRR); Mozafari, Brenda; Lupold, Timothy
Subject: RE: Pls. review: Draft G20090690- 2.206 petition request against Progress Energy Corporation at Crystal River Nuclear Generating Plant, Unit 3. PRB Initial recommendation

Farideh,

Attached are my edits for your consideration (see redline below). I thought that you should specifically list his requests so that when you refer to what is being accepted for review or rejected, it is easier to reference the Item number. I hope this helps.

Tanya

From: Saba, Farideh *NRR*
Sent: Tuesday, January 26, 2010 1:34 PM
To: Mensah, Tanya; Blount, Tom; Rosenberg, Stacey; Farzam, Farhad; Thomas, George; Lake, Louis; Sykes, Marvin; Franke, Mark; Clark, Michael; Rezai, Ali
Cc: Khanna, Meena; Boyce, Tom (NRR); Mozafari, Brenda; Lupold, Timothy
Subject: Pls. review: Draft G20090690- 2.206 petition request against Progress Energy Corporation at Crystal River Nuclear Generating Plant, Unit 3. PRB Initial recommendation
Importance: High

All,

Please review the following draft e-mail to Mr. Saporito regarding his petition request on December 5, 2009. I am planning to send out this e-mail today by 5:00pm. I appreciate it, if you provide me with your comments by 4:00pm. I will assume that you do not have any comments, if I do not hear from you by 4:00pm today. Thank you in advance,

Farideh

Dear Mr. Saporito,

The NRR Petition Review Board (PRB) had a conference call with you on January 7, 2010, regarding your December 5, 2009 petition request, against Progress Energy Corporation at Crystal River Nuclear Generating Plant, Unit 3. During the January 7, 2010, conference call with the PRB, you provided additional information to supplement your December 5, 2009 petition request. Attached is the publicly available transcript of that meeting. The PRB discussed your request petition during an internal meeting on January 21, 2010. The PRB's initial recommendation is to accept your petition for review, in part.

Your December 5, 2009, petition contains the following requests:

1. Physically remove the outer ten-inches of concrete surrounding the CRN containment building from the top of the containment building to the bottom of the containment building and encompassing 360-degrees around the entire containment building;

2. Test samples of the concrete removed from the CRN containment building for composition and compare the test results to a sample of concrete from a similarly designed facility like the Florida Power and Light Company (FPL), Turkey Point Nuclear Plant (TPN);
3. Maintain the CRN in cold-shutdown mode until such time as the licensee can demonstrate full compliance with its NRC operating license for CRN within the safety margins delineated in the licensee's Final Safety Analysis Report (FSAR) and within the CRN cite specific technical specifications; and
4. The petitioner in its December 5, 2009 petition requests to provide the public with an opportunity to intervene at a public hearing before the NRC Atomic Safety and Licensing Board (ASLB) to challenge any certification made by the licensee to the NRC that it has reestablished full compliance with 10 CFR 50 and the safety margins delineated in its FSAR and technical specifications.

The PRB has determined that Items 1 and 3 meet the criteria for review in accordance with MD 8.11. In addition, during the January 7, 2010, conference call, you supplemented your December 5, 2010, petition with a verbal request to require the licensee to reform the containment building with additional concrete. The PRB believes that this request supplements Items 1 and 3 and the resolution to these items will be documented in the Proposed Director's Decision. Further details will be provided to you in an acknowledgement letter

The PRB has determined that Item 2 meets the criteria for rejection in accordance with MD 8.11, on the basis that the petitioner failed to provide sufficient facts to constitute a basis for the requested action as described in the petition dated December 5, 2009, and as supplemented by the January 7, 2010 conference call.

The PRB has determined that Item 4 is not a request for enforcement-related action and is therefore outside the scope of the 2.206 process.

Next Steps:

Per MD 8.11, if you have additional information in support of your petition for the PRB to consider, we are offering you another opportunity to address the PRB, ~~if you wish to provide any additional support for your petition.~~ Please notify me by February 1st, with your availability, if you wish to address the PRB in a public meeting or via a recorded conference call. ~~Please let me know of your availability for this meeting or conference call in February.~~ If I have not heard from you by February 1st, we will proceed with processing your request as recommended by the PRB.

Regards,

Farideh E. Saba, P.E.
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NRC/ADRO/NRR/DORL
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